The Examiner asserts that U.S. Pat. No. 6,270,766 B1 (hereinafter "the '766 patent") "teaches a method of treating rheumatoid arthritis by topically administering anti-TNFα $F(ab')_2$ antibody fragments," and therefore Groups I-X lack unity because they allegedly do not share a special technical feature over the cited reference. (Restriction/Election Requirement at page 5.) Applicants respectfully traverse this Restriction Requirement.

Groups I-X possess unity of invention because all of the respective claims contain references to a special technical feature that is not described by the '766 patent, *i.e.* the topical administration of an effective amount of anti-cytokine $F(ab')_2$ antibody fragments to a patient. The '766 patent is directed to a method of administering anti-TNF antibodies and methotrexate to a patient. The examples provided in the '766 patent are limited to the infusion of chimeric anti-TNF antibodies. The reference does not actually describe administration of the chimeric anti-TNF antibodies *via* a topical administration route, but instead discloses a general laundry list of various administration routes without providing any teaching of how to accomplish this task. The ordinary artisan reading the '766 patent could not have predictably arrived at a method of topically administering anti-cytokine $F(ab')_2$ antibody fragments given the teachings of the reference. As such, Applicants assert that the Examiner has failed to meet the burden of showing that Groups I-X lack unity over the '766 patent.

Applicants assert that the Restriction Requirement is improper because unity of invention exists among all of the claims. Applicants respectfully request reconsideration

and withdrawal of the Restriction Requirement. Consideration and allowance of all pending claims is also respectfully requested.

Additionally, the different species indicated by the Examiner share certain common properties and should therefore be rejoined and examined together. More specifically, they all involve cytokine mediated immune responses, the use of anti-cytokine $F(ab')_2$ antibody fragments and their application to the treatment of immune-related diseases. A search for art relevant to the elected species should also find art relevant to all of the non-elected species. Hence, the Applicants request rejoinder and examination of all of the species together, as so doing would not create an undue burden on the Examiner.

This traversal of the Restriction and Election of Species requirements should not be construed as a statement or an admission that the various groups and/or species identified by the Examiner are or are not patentably distinct. Instead, the Applicants respectfully contend that the search required to examine all pending claims would not impose a serious burden on the Examiner. Therefore, reconsideration and withdrawal of these requirements is respectfully requested.

In compliance with the Examiner's requirement for the identification of claims that are readable on the elected species (*see* Office Action at page 5), it is respectfully believed that claims 20-36 of elected Group I read on the elected species.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such

extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Laura A. Vogel
Attorney for Applicants
Registration No. 55,702

Date: 5/7/08

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
816083_1.DOC